

REMARKS

This is a full and complete response to the Office action dated October 29, 2007.

All comments and remarks of record are herein incorporated by reference. Applicants respectfully traverse these rejections and all comments made in the Office Action. Nevertheless, in an effort to expedite prosecution, Applicants provide the following remarks regarding the cited references.

DISPOSITION OF CLAIMS

Claims 8-21 are pending in the application. No amendments have been made with this reply. No new matter has been added.

REJECTION UNDER 102

In the Office Action, three groupings of claims, namely, claims 8-12, 13-18, and 19-21, stand rejected under 35 USC §102(b) as being anticipated by **De Keyzer et al.**, WO 02/057386 ("**De Keyzer**"). Applicants respectfully traverse these rejections.

Although the above mentioned groupings of claims were treated separately in the Office Action, each was rejected under 35 USC §102(b) over the same reference, namely **De Keyzer**. With respect to claims 8-12, the Examiner asserts that **De Keyzer** teaches an adhesive composition, additionally, with respect to claims 13-18, the Examiner argues that **De Keyzer** discloses a disposable soft goods, such as diapers, and feminine care articles, and furthermore, regarding claims 19-21, the Examiner asserts that **De Keyzer** teaches block copolymers.

For each of the above mentioned rejections, it was the Examiner's position that **De Keyzer** discloses a block copolymer having a structure A-C-A, where A represents an aromatic vinyl compound and C is a mixed polymer block of butadiene and isoprene having a weight ratio of 30:70 to 70:30. Additionally, the Examiner asserted that the block copolymers of **De Keyzer** have an average molecular weight ranging from 100,000 to 500,000, a styrene content of 10 to 50% by weight, and a coupling efficiency of from

81 to 87%. The Examiner therefore concludes that claims 8-21 are anticipated by the disclosure of **De Keyzer**. Applicants respectfully disagree.

Anticipation under §102 can be found only if a reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (CAFC 1985). The identical invention must be shown in as complete detail as is contained in the patent claim. *See MPEP §2131; Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (CAFC 1989). In order to anticipate, a reference must have sufficiently described the claimed invention to place the public in possession of it. *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1572; 24 USPQ2d 1321.

Applicants respectfully assert that the molecular weight range disclosed by **De Keyzer** is so broad as to not disclose the instant claims with sufficient specificity. Therefore, the above mentioned rejections are not proper under 35 USC §102. *MPEP* §2131.03 (II).

Applicants respectfully note that the Federal Circuit has given guidance on the issue of overlapping ranges under 35 USC §102, namely in *Atofina*. *MPEP* §2131.03 (II); *Atofina v. Great Lakes Chem. Corp.*, 441 F.3d 991, 999, 78 USPQ2d 1417 (Fed. Cir. 2006). In that case the prior art disclosed a temperature range of 100°C – 500°C. The patent at issue claimed a range of from 330°C – 450°C. Although completely encompassing the claimed range, the Court still found that this did not constitute sufficient specificity.

In the case at hand, **De Keyzer** discloses a broad weight average molecular weight of 100,000 to 500,000. *See De Keyzer, page 5, lines 21-26*. However, the claimed range is narrow, being 124,000 to 145,000. Similar to *Atofina*, the range disclosed in **De Keyzer** completely encompasses the claimed range, but is extremely broad. Such a broad range cannot be said to disclose with any specificity the narrow range recited in the present claims. Additionally, as shown in the Examples such specificity is required to achieve specific properties.

As shown in Tables 2-3, comparative block copolymer B has a molecular weight of 154,000. Although the molecular weight of comparative copolymer B is only slightly above the claimed range, the viscosity shown in Table 4 for copolymer B was markedly

higher compared to block copolymers made according to the present claims. Low viscosity is a desirable property of a hot melt adhesive, as is stated in the application, relatively low hot-melt viscosity enables a high production speed in a diaper manufacturing line without producing significant amounts of products which are out of specification, and are therefore considered as “waste.” *See Application, paragraph [0003].*

Furthermore, even as **De Keyzer** discloses a preferred range of 150,000 to 250,000, this still does not disclose the claimed invention with sufficient specificity. *See De Keyzer, page 5, lines 21-26. This preferred range is entirely out of the range recited in the present claims.* Additionally, the Examples of the **De Keyzer** reference also disclose molecular weights outside of the present claims. For example, block copolymer F (which is the same as block copolymer B in tables 2-4 of the present application) in Table 1 of **De Keyzer** has a molecular weight of 154,000, which is outside of the present claimed range.

Therefore, as there are no specific examples in **De Keyzer** within the claimed molecular weight range, and **De Keyzer** discloses a broad molecular weight range, Applicants respectfully assert that the cited reference does not disclose the present claims with sufficient specificity, especially in view of the holding of *Atofina*. Accordingly, Applicants respectfully request the above mentioned rejections be withdrawn.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner is invited to directly contact the undersigned by phone to further the discussion.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437.

Conclusion

Having addressed all issues set out in the Office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,
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